

APPROVED

MINUTES

SCOTTSDALE CITY COUNCIL

SPECIAL MEETING

Tuesday, October 14, 2003

**The Kiva
City Hall
Scottsdale, Arizona**

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CALL TO ORDER

Mayor Manross called to order a Special Meeting of the Scottsdale City Council on Tuesday, October 14, 2003 in the Kiva, City Hall, at 5:03 P.M.

Present: Mayor Mary Manross
Vice Mayor Wayne Ecton
Council Members David Ortega, Tom Silverman, Robert Littlefield, Ned O'Hearn, and Cynthia Lukas

Also Present: City Manager Jan Dolan
City Attorney Brad Woodford
City Clerk Carolyn Jagger

Presentations

Scottsdale Pride Treasures and Trash Award

On behalf of the Scottsdale Pride Committee, Sonnie Stevens and Chandra Bonfiglio presented a certificate of appreciation and a Toys R Us gift certificate to Victoria St. Ange. Eleven-year-old Victoria was introduced as the winner of the Treasures N Trash logo design contest.

Ready to Learn Awareness Month Proclamation

Mayor Manross recognized October as "Ready to Learn Month" and read the proclamation into the record.

Domestic Violence Awareness Month Proclamation

In an effort to raise domestic violence awareness, Mayor Manross proclaimed October Domestic Violence Awareness Month and presented the proclamation to Connie James. Mayor Manross urged everyone to support the city's efforts to help the community in reducing instances of domestic violence.

Councilwoman Lukas spoke as the Chairman of the MAG Domestic Violence Committee. She emphasized the importance of raising awareness of this crime in the community. She noted that Scottsdale took a leadership role by creating a Domestic Violence Center.

Information Update

Pima Freeway Noise Study Results

John Little, General Manager of Transportation, presented a slide presentation which has been outlined below.

Background

ADOT Noise Evaluation
Citizen Concerns Remain
Scottsdale Freeway Noise Study
ADOT Rubberized Asphalt System wide

Scottsdale Noise Study

Public Involvement
Comprehensive Noise Measurements
Noise Modeling & Prediction
Mitigation Options

Conclusions

Work with ADOT to Complete Current Project
Reassess Noise Conditions in Sensitive Locations
Disseminate info to the Community

Boards, Commissions & Committees

Vice Mayor Ecton outlined the purpose of each board and special qualifications, if any, for the open positions before nominations were accepted.

Citizen Bond Review Commission (2)

Vice Mayor Ecton opened the floor for nominations.

Councilman Littlefield nominated Judith Brotman
Councilman Ortega nominated Joseph Nessim
Councilwoman Lukas nominated Bill Chamberlain
Councilman O'Hearn nominated Matthew Schaffer
Vice Mayor Ecton nominated Donald Adams

Vice Mayor Ecton closed the floor for nominations.

Judith Brotman and **Donald Adams** were appointed to the Citizen Bond Review Commission by a majority vote.

Historic Preservation Commission (2)

Vice Mayor Ecton opened the floor for nominations.

Councilman Silverman nominated Paul Winslow
Councilman O'Hearn nominated George Hartz
Mayor Manross nominated Allen Bone

Vice Mayor Ecton closed the floor for nominations.

Paul Winslow and **George Hartz** were appointed to the Historic Preservation Commission by a majority vote.

Human Relations Commission (3)

Vice Mayor Ecton opened the floor for nominations.

Councilwoman Lukas nominated Timothy Klapp
Mayor Manross nominated Theodore Tyler
Councilman Silverman nominated Enid Seiden
Councilman O'Hearn nominated Aubrey Strickstein

Vice Mayor Ecton closed the floor for nominations.

Theodore Tyler was reappointed and **Aubrey Strickstein** and **Enid Seiden** were appointed to the Human Relations Commission by a majority vote.

Judicial Appointments Advisory Board (2)

Council voted unanimously to confirm the appointment of **Judge Bethany Hicks** as designated by Superior Court Presiding Judge Colin Campbell.

Vice Mayor Ecton opened the floor for nominations.

Councilman O'Hearn nominated Joel Feldman
Councilwoman Lukas nominated Mary Martin

Vice Mayor Ecton closed the floor for nominations.

Judge Bethany Hicks appointment was affirmed and **Joel Feldman** was appointed to the Judicial Appointments Advisory Board by a majority vote.

McDowell Sonoran Preserve Commission (1)

Vice Mayor Ecton opened the floor for nominations.

Mayor Manross nominated Arthur DeCabooter
Councilman O'Hearn nominated Melinda Morrison

Vice Mayor Ecton closed the floor for nominations.

Arthur DeCabooter was appointed to the McDowell Sonoran Preserve Commission by a majority vote.

Parks & Recreation Commission (1)

Vice Mayor Ecton opened the floor for nominations.

Councilman Ortega nominated Donn Loper
Councilman O'Hearn nominated Dolores Cayne

Vice Mayor Ecton closed the floor for nominations.

Donn Loper was appointed to the Parks and Recreation Commission by a majority vote.

Scottsdale Pride Committee (2)

Vice Mayor Ecton noted that there are two openings with two applicants and called for Council's vote.

Sonnie Stevens and **Richard Taylor** were appointed to the committee unanimously.

Public Comment

William Crawford, 6442 E. Scottsdale, expressed concern that the city charter requires citizens to collect signatures from 15% of the total number of Scottsdale voters in order to place an issue on the ballot. He submitted a petition to Council requesting that the city's charter be amended to conform to the requirements of Arizona State Statutes.

Tony Nelssen, 7736 E. Redbird Road, spoke on behalf of the Desert Foothills Property Association. He requested that Council direct staff to begin the process of drafting a text amendment to the sign ordinance. The amendment would address the ability to put signs and/or monuments within the scenic setbacks along scenic corridors.

CONSENT AGENDA

1. City of Scottsdale adv. Allied Construction, Inc.

Request: Consider authorizing renewal of Contract No. 2000-160A-COS in a maximum amount of Six Thousand Dollars (\$6,000) with Holden Brodman, PLC for legal services in connection with the conclusion of all post-trial work and a negotiated settlement of a dispute between the City of Scottsdale, Allied Construction, Inc., and Allied's bond company, Safeco Insurance Company of America, relating to construction at McCormick Ranch Railroad Park.

Staff Contact(s): Steven Bennett, Deputy City Attorney, 480-312-2405, sbennett@scottsdaleaz.gov;
C. Brad Woodford, City Attorney, 480-312-2405, bwoodford@scottsdaleaz.gov

2. City of Scottsdale adv. Allied Construction, Inc.

Request: Consider approval of final settlement, compromise, and release agreement related to a dispute among the City of Scottsdale, Allied Construction, Inc., and Allied's bond company, Safeco Insurance Company of America, Cause Nos. CV 98-08121, CV 98-13948, and CV 2000-03035 (Consolidated) relating to renovation of McCormick Ranch Railroad Park.

Related Policies, References: Settlement Agreement No.2003-165-COS

Staff Contact(s): Steven Bennett, Deputy City Attorney, 480-312-2405, sbennett@scottsdaleaz.gov;
C. Brad Woodford, City Attorney, 480-312-2405, bwoodford@scottsdaleaz.gov

3. Engineering Services Contract for the design of Cactus Road- Pima Freeway to Frank Lloyd Wright Blvd and the Upper Camelback Wash Drainage Projects

Request: Authorize Engineering Services Contract No. 2003-154-COS with Stantec Consulting, Inc., in the amount of \$1,486,930, for the design of roadway and drainage improvements on Cactus Road between the Pima Freeway and Frank Lloyd Wright Blvd. and drainage improvements to Upper Camelback Wash between Sweetwater Avenue and Shea Blvd.

Related Policies, References:

- Design Concept Report – Cactus Road 6/7/03
- Design Concept Report - Upper Camelback Wash 6/15/03
- Transportation Commission Review – 5/18/03
- Streets Master Plan - 2003
- Bond 2000 CIP Project
- Cactus Corridor-Planning Commission recommendation, 1992
- Cactus Acres Character Plan Draft - 1995
- Council Action Report - Amended Circulation Element of the General Plan, Cactus Road - 10/21/97

Staff Contact(s): Doug Cullinane, Sr. Project Manager, 480-312-2681, dcullinane@scottsdaleaz.gov; Al Dreska, 480-312-5555, adreska@scottsdaleaz.gov

4. Adopt Resolutions No. 6364 and 6365 and Ordinance No. 3525 authorizing 2003 MAG Standard Specifications and Details and authorize 2003 City of Scottsdale Supplements to these specifications and details

Requests:

Adopt Resolution No. 6364, Resolution No. 6365, and Ordinance No. 3525, Adoption of the Uniform Standard Specifications and Details for Public Works Construction, 1998 (Includes revisions through 2003); sponsored and distributed by the Maricopa Association of Governments;

and

Adopt 2003 City of Scottsdale Supplements to MAG Uniform Standard Specifications and Details for Public Works Construction

Related Policies, References: The City Council first adopted Uniform Standard Specifications for Public Works Construction sponsored and distributed by the Maricopa Association of Governments in 1979 and has annually adopted updates to the MAG Specifications and Details and the City of Scottsdale Supplemental Specifications and Details.

Staff Contact(s): George A. Bringe, Plans Examiner, 480-312-7043, gbringe@scottsdaleaz.gov; Al Dreska, 480-312-5555, adreska@scottsdaleaz.gov

COUNCILMAN ECTON MOVED TO APPROVE CONSENT ITEMS 1-4. COUNCILMAN SILVERMAN SECONDED THE MOTION WHICH CARRIED 7/0.

REGULAR AGENDA

5. Scottsdale First Assembly of God - Dream Center

Request: Review the Development Review Board approval of the proposed 40-foot tall church cooling tower/steeple element at a proposed new church.

36-DR-2003

Key Items for Consideration:

- On September 8, the City Council voted to review only the cooling tower/steeple element by a vote of 6 to 1.
- On August 21, 2003, the Development Review Board approved the site plan and all building elevations by a vote of 5 to 1.
- The Development Review Board approved a height above the standard 24-foot maximum building height requirement in the ESL District to allow a 40-foot tall cooling tower/steeple.
- There is both support and opposition to the proposal.

Staff Contact(s): Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@ScottsdaleAZ.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@ScottsdaleAZ.gov

Randy Grant presented a brief slide presentation which has been outlined below.

36-DR-2003- Dream Center

•Review the Development Review Board decision regarding height and design of the proposed cooling tower/steeple element

Building Height

Underlying zoning allows 30-foot buildings with 45-foot tall towers

Foothills zoning allows 40-foot tall churches (with large setbacks)

ESL allows 24-foot buildings, with exceptions not to exceed the underlying zoning

DRB approved the exception for the 40-foot tower

Mr. Grant noted that the city received a letter on Friday indicating that the applicant would accept the decision of Council and would comply with the 24' height restriction.

Mr. Grant noted that staff has drafted an amendment to the height provision of the ordinance. He explained that the draft would be presented to the Planning Commission in October and to Council in December.

Wendy Riddell, 4800 N. Scottsdale Road, spoke as a representative for the applicant. She explained that through dialog with neighbors in the community, the church has agreed to reduce the tower height to a maximum of 24'. She stated support for the amendment to the sign ordinance as requested by Mr. Nelssen.

Mayor Manross opened public testimony.

Howard Myers, 6631 E. Horned Owl, explained that the height restriction was to negate the underlying zoning. He stated his opinion that in order for the ordinance to be successful, everyone must comply with the restrictions.

Tony Nelssen, 7736 E. Redbird Road, thanked the church for their commitment to the neighborhood. He emphasized that the Desert Foothills Design Guidelines specify that the architectural character of buildings should respect the traditional, at times, rustic character of the buildings in the area. He urged Council to take the character issues of the buildings in this case into account. He questioned why staff is recommending an approval in contradiction of documented city character issues.

Tim Montgomery, 34894 N. 92nd Place, requested that Council remind the DRB of the ESLO changes that were approved in April. He also urged Council to consider the citizens' efforts to maintain the city's unique desert roadways.

Daniel Basinger, 29503 N. 107th Place, spoke as Chairman of EQAB. He stated the board's strong support of the intent of ESLO.

Mayor Manross closed public testimony. Two additional comment cards were received supporting the 24' height restriction from citizens not wishing to speak.

Vice Mayor Ecton explained that the approval by the DRB of the 40' tower element was disturbing to him and the community. He noted that the decision to approve the variance was recommended by staff because of the exception allowed in the regulation. He stated his opinion that there was a violation of the spirit of the ELSO. He looks forward to the opportunity to clarify the issue further in December.

COUNCILMAN ORTEGA MOVED TO APPROVE THE CHURCH WITH A TOWER ELEMENT NOT TO EXCEED 24' WITH A DESIGN THAT IS CONSISTENT WITH THE PREVIOUSLY APPROVED DESIGN OF THE CHURCH. COUNCILWOMAN LUKAS SECONDED THE MOTION (WHICH CARRIED 7/0).

Councilwoman Lukas expressed her belief that the case should be resolved tonight for the sake of the community.

Councilman Littlefield stated his opinion that the issue should be resolved tonight to be fair to the applicant rather than sending the issue back to DRB.

After further discussion, THE MOTION CARRIED 7/0.

Public Comment - None

City Manager's Report - None

Mayor and Council Items - None

Adjournment

With no further business to discuss, Mayor Manross adjourned the meeting at 6:18 P.M.

SUBMITTED BY:



Ann Eyerly, Council Recorder

REVIEWED BY:



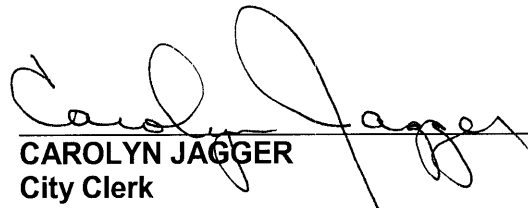
Carolyn Jagger, City Clerk

CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Special Meeting of the City Council of Scottsdale, Arizona held on the 14th day of October 2003.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 20th day of October 2003.



CAROLYN JAGGER
City Clerk

BEUS GILBERT
PLLC

ATTORNEYS AT LAW

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OFFICE OF THE
CITY CLERK

2003 OCT 10 PM 1:41

WENDY RECTOR RIDDELL
DIRECT (480) 429-3018

EMAIL: WRIDDELL@BEUSGILBERT.COM

October 9, 2003

HAND DELIVERED

City Clerk
City of Scottsdale
3939 Drinkwater Blvd.
Scottsdale, AZ 85251

Re: Continuance Request – City Council Review of DRB Approval for Scottsdale First Assembly of
God Dream Center Tower Element
Case # 36-DR-2003

Dear City Clerk:

This letter has been prepared to notify you that my client's request to continue the City Council's review of the above-noted Development Review Board approval as it relates to the tower element is hereby withdrawn. The community has overwhelmingly expressed their desire that the tower not exceed twenty-four feet. In response to their requests and in an attempt to show them our desire to be good and respectful neighbor, we are no longer opposing any Council action to reduce the tower height to twenty-four feet.

The Dream Center is anticipating the support of its neighbors and the City for a zoning ordinance amendment to address signage issues pertinent to the Dream Center church signage in the Pima Road scenic corridor. In light of this spirit of cooperation and dialogue, Pastor Friend and his congregation have decided to pursue the construction of their church facility with a tower element that will not exceed twenty-four (24) feet at this time, if this is the direction of City Council.

Sincerely

BEUS GILBERT PLLC

Wendy Riddell /mmw

Wendy R. Riddell

cc. Mayor Manross
City Council Members
Jim Heitel
Tony Nelssen
Donna Bronski
Kroy Ekblaw
Randy Grant